

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARMANDO SIMONAJ,

Plaintiff,

-v-

MERRICK GARLAND et al.,

Defendants.

CIVIL ACTION NO. 23 Civ. 10322 (JHR) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

On November 27, 2023, Petitioner Armando Simonaj (“Mr. Simonaj”) filed a petition under 28 U.S.C. § 2241 seeking a writ of habeas corpus vacating an “order of mandatory detention under agency regulations at 8 C.F.R. 208.33(a), which provide for mandatory detention in the custody of Department of Homeland Security, United States Immigration and Customs Enforcement until the time of physical removal, without the possibility of bond, parole or a subsequent credible fear interview.” (ECF No. 1 (the “Petition”)). On November 28, 2023, the Court notified Mr. Simonaj’s attorney, Sam Gjoni (“Mr. Gjoni”), that the Petition “is deficient” because it “was not properly signed by” Mr. Gjoni, and directed him to refile the Petition. (ECF min. entry Nov. 28, 2023). To date, however, Mr. Gjoni has not refiled the Petition. Accordingly, the Court ORDERS that Mr. Gjoni refile the corrected Petition by **January 3, 2024**. Mr. Gjoni is warned that the failure to file the corrected Petition may result in a recommendation that this action be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b). See Ikpemgbe v. New York, No. 18 Civ. 1027 (AT) (DCF), 2021 WL 4198409, at *1 (S.D.N.Y. Sept. 15, 2021) (“A habeas petitioner, like any plaintiff in a civil case, has a general obligation to prosecute his case diligently, and, if he fails to do so, the Court may dismiss the action under Rule

41(b) for failure to prosecute.”); Sumpter v. Sears, No. 09 Civ. 689 (KAM), 2012 WL 95214, at *3 (E.D.N.Y. Jan. 12, 2012) (dismissing habeas petition “under Federal Rule of Civil Procedure 41(b) for petitioner’s failure to prosecute and comply with the court’s orders”).

Dated: New York, New York
December 28, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge